

REMARKS

This Amendment is in response to the Official Action dated March 9, 2007. The shortened period of time for responding with the enclosed three month petition for extension of time is set to expire on September 10, 2007. Claims 1-61 are pending in the application. Claims 62-63 have been cancelled.

I. CLAIM OBJECTIONS

The Examiner has objected to claim 23. The Examiner notes that "the tip is fix [sic] with respect to the housing and what moves is the entire container." The Examiner has requested clarification of the claim limitations. Applicants respectfully notes that in this embodiment, and as clearly stated in the claims, the pump tip is capable of moving relative to the pump body. That is, the pump tip 120 may be retracted into the pump 107. (See, e.g., ¶ [0068].) Notwithstanding the foregoing, Applicants have amended claim 23 to recite that the pump is operative to disperse fluid material in response to movement of said pump tip "into said pump housing." Applicants respectfully submit that further clarification is unnecessary. Furthermore, Applicants contend that there is support in the specification for this claim amendment, and no new matter has been added. (See *id.*) Accordingly, Applicants contend that the Examiner's rejection is overcome.

II. 35 U.S.C. § 102 CLAIM REJECTIONS

The Examiner has rejected claims 1, 6, 8, 10-15, 17, 19, 21, 23-26, 28, 30 32, and 33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,554,520 to Tsuchiya ("Tsuchiya"). For the reasons set forth below, Applicants contend that the Examiner's rejections are misplaced.

A. Claims 1-11

With respect to claim 1, *Tsuchiya* fails to disclose a "pump." The Examiner contends that *Tsuchiya* valve element 22 of storage tank 20 is a "pump" as recited by claim 1. However, valve 22 does not have a "body" or a "tip" as recited by claim 1. Rather, valve 22 merely opens or closes to allow liquid in the storage tank 20 to flow into pipe 13. (See, e.g., col.5 ll.16-31.) Indeed, there is no discussion that the valve is capable of being "in an extended position when [the] fluid insert is in [the] stationary position." Moreover, there is no teaching or suggestion that the valve is capable of being "in a retracted position within [a valve] body as a result of [the valve] tip being in engagement with [the] pump actuating surface of [the] outer casing." As shown, the valve 22 of *Tsuchiya* does not even contact the front barrel 11, or what the Examiner considers to be the pump actuating surface. Accordingly, *Tsuchiya* fails to disclose at least a pump in accordance with the claim 1.

Applicants therefore respectfully contend that the Examiner's rejection of claim 1 is overcome and that claim 1 is in condition for allowance. Additionally, claims 2-11, all of which depend from claim 1, are also believed to be in condition for allowance.

B. Claims 12-22

Turning to claim 12, *Tsuchiya* also fails to teach or suggest a "pump" wherein when "the fluid insert [is] in said first position, said pump tip is in a fully extended position, and said fluid insert being in said second position when said pump tip is retracted in said pump body." As also discussed above, *Tsuchiya* only discloses a valve 22 that opens or closes to allow liquid in the storage tank 20 to flow into pipe 13.

(See, e.g., col.5 11.16-31.) Thus, *Tsuchiya* does not disclose the claimed pump.

Additionally, *Tsuchiya* fails to disclose a "tab constructed and arranged to fit within [the] notch on [the] fluid insert so as to guide movement of said fluid insert." Indeed, the Examiner has not identified any such corresponding features.

Applicants therefore respectfully contend that the Examiner's rejection of claim 12 is overcome and that claim 12 is in condition for allowance. Additionally, Applicants respectfully submit that claims 13-22, all of which depend from claim 12, are also in condition for allowance.

C. Claims 23-33

With respect to claim 23, and as discussed above, *Tsuchiya* fails to disclose a "pump," especially one "capable of pumping said fluid material having a fluid viscosity ranging from 1000 cps - 10,000 cps arranged at said first end of said fluid insert." Indeed, the Examiner has identified no specific portions of *Tsuchiya* which teach this limitation. Applicants therefore respectfully contend that the Examiner's rejection of claim 23 is overcome and that claim 23 is in condition for allowance. Additionally, Applicants respectfully submit that claims 24-33, all of which depend from claim 23, are also in condition for allowance.

III. 35 U.S.C. § 103 REJECTIONS

The Examiner has also rejected dependent claims 8, 20, and 31 under 35 U.S.C. § 103(a) as being unpatentable over *Tsuchiya* in view of U.S. Patent No. 6,592,282 to Fontanet ("*Fontanet*"). Additionally, the Examiner has rejected dependent claims 7, 18, 29 under 35 U.S.C. § 103(a) as being unpatentable over *Tsuchiya*, in combination with U.S. Patent No. 5,295,601 to Bostelman ("*Bostelman*"). In view of the above amendments to the independent claims, as well as the corresponding arguments,

Applicants respectfully submit that Fontanet and Bostelman fail to make up for any deficiencies in the teachings of Tsuchiya. That is, the combination of the abovementioned references fails to teach or suggest the limitations of the claimed invention. Accordingly, Applicants respectfully submit that the Examiner's 35 U.S.C. § 103 rejections are moot.

IV. CONCLUSION

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 10, 2007

Respectfully submitted,

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